



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,933	02/14/2001	Hulikunta Prahlad Raghunandan	JP920000216US1	6926

39903 7590 06/03/2004

ANTHONY V.S. ENGLAND
1717 WEST SIXTH STREET
SUITE 230
AUSTIN, TX 78703

EXAMINER

PHILLIPS, HASSAN A

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 06/03/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

JK

Office Action Summary

Application No.

09/782,933

Applicant(s)

RAGHUNANDAN, HULIKUNTA
PRAHLAD

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement (IDS) filed September 23, 2002, has been received and considered by the examiner.

Claim Objections

2. Claim 9 is objected to because of the following informalities: There are minor grammatical errors in the wording of claim 9. In order for the examiner to advance prosecution of the application for patent the examiner has interpreted claim 9 to read "The method of claim 8, wherein said weighting is performed on the basis of time spent on, or the frequency of visits to, sites." Appropriate correction is required.

3. Claim 18 is objected to because of the following informalities: There are minor grammatical errors in the wording of claim 18. In order for the examiner to advance prosecution of the application for patent the examiner has interpreted claim 18 to read "The method of claim 17, wherein said weighting is performed on the basis of time spent on, or the frequency of visits to, sites." Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 8, 17, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 3 recites the limitation "said acquiring step" in line 20. Being that claim 3 is dependent upon claim 2, and claim 2 is dependent upon claim 1, there are multiple acquiring steps in which this limitation could refer to. In order for the examiner to advance prosecution of the application for patent, the examiner has interpreted "said acquiring step" to read, "said acquiring a user's network usage data step".

4. Claim 8 recites the limitation "said associating step" in line 6. There is insufficient antecedent basis for this limitation in the claim. In order for the examiner to advance prosecution of the application for patent, the examiner has interpreted "said associating step" to read "said allocating step".

5. Claim 17 recites the limitation "said associating step" in line 5. There is insufficient antecedent basis for this limitation in the claim. In order for the examiner to advance prosecution of the application for patent, the examiner has interpreted "said associating step" to read "said allocating step".

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 20, and 23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Greer et al. (hereinafter Greer), U.S. patent publication 2001/0011226.

3. In considering claims 1, 20, and 23, Greer discloses a method, a server system, and a computer program product for providing information via a public network to a user, comprising the steps of:

- a) Identifying the user, (page 2, paragraph 21);
- b) Acquiring a user's network usage data and generating a user profile from the acquired data, (page 2, paragraphs 15-16);
- c) Providing information obtained via the network to the user based on a user profile, (page 3, paragraphs 23-25).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2151

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-10, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer in view of Hoguta et al. (hereinafter Hoguta), U.S. patent 6,725,303.

3. In considering claims 2 and 21, although the disclosed method, server system, and computer program taught by Greer shows substantial features of the claimed invention, it fails to show:

a) Identifying a user by fingerprint, retinal pattern, or voice.

Nevertheless, in a similar field of endeavor, Hoguta teaches providing information via a public network to a user comprising:

a) Identifying a user by acquiring a user's fingerprints, retinal pattern, or voice pattern, (col. 3, lines 33-45).

Given the teachings of Hoguta it would have been apparent to one of ordinary skill in the art, to modify the teachings of Greer to show identifying a user by fingerprint, retinal pattern, or voice, before providing information to the user via a public network. This would guarantee that information is being sent to the correct user only, and not to someone else who may be using the users terminal. This would also give the user the flexibility to go anywhere in the world and still be capable of receiving information based on the users profile, Hoguta, col. 1, lines 36-61.

4. In considering claim 3, Greer teaches acquiring a user's network usage data by recording details about sites searched or visited by a user. See page 2, paragraph 15.

5. In considering claim 4, it is implicit that the method taught by Greer provides a means for recording section headings and keywords of sites visited. See page 2, paragraph 15.

6. In considering claim 5, it is implicit in the method taught by Greer that keywords used in searching sites are recorded. See page 2, paragraph 15.

7. In considering claim 6, Greer teaches the recorded information being allocated to one or more attribute records. See page 2, paragraph 15. Also see Fig 2.

8. In considering claim 7, Greer teaches the attributes being personal special interests. See page 2, paragraph 15.

9. In considering claim 8, Greer teaches allocating recorded information by weighting each attribute matched by the acquired data to generate the user profile. See page 3, paragraph 23.

10. In considering claim 9, Greer teaches the weighting performed on the basis of time spent, or the frequency of visits to, sites. See page 3, paragraph 23.

11. In considering claim 10, Greer teaches a user's profile being continuously updated with usage. See page 3, paragraphs 23-25.

12. Claims 11-19, 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer in view of Hoguta, and further in view of Kwok et al. (hereinafter Kwok), U.K. patent publication GB 2,346,239 A.

13. In considering claims 11 and 22, although the combined methods, server systems, and computer programs taught by Greer and Hoguta, shows substantial features of the claimed invention, they fail to expressly show:

- a) Identifying a user by capturing a video image of a portion of the user's body.

Nevertheless, in a similar field of endeavor, Kwok teaches providing private information via a public network to a user comprising:

- a) Identifying a user by capturing a video image of a portion of a user's body, including the head, (page 7, lines 9-12).

Given the teachings of Kwok it would have been obvious to one of ordinary skill in the art, to modify the teachings of Greer and Hoguta to show identifying a user by capturing a video image of a portion of the user's body, including the head. As taught

by Hoguta, this would have guaranteed that information is being sent in a secure manner to the correct user only, and not to someone else who may be using the users terminal. This would also give the user the flexibility to go anywhere in the world and still be capable of receiving information based on the users profile, Kwok, page 1, lines 20-37.

14. In considering claim 12, Greer teaches acquiring a user's network usage data by recording details about sites searched or visited by a user. See page 2, paragraph 15.

15. In considering claim 13, it is implicit that the method taught by Greer provides a means for recording section headings and keywords of sites visited. See page 2, paragraph 15.

16. In considering claim 14, it is implicit in the method taught by Greer that keywords used in searching sites are recorded. See page 2, paragraph 15.

17. In considering claim 15, Greer teaches the recorded information being allocated to one or more attribute records. See page 2, paragraph 15. Also see Fig 2.

18. In considering claim 16, Greer teaches the attributes being personal special interests. See page 2, paragraph 15.

19. In considering claim 17, Greer teaches allocating recorded information by weighting each attribute matched by the acquired data to generate the user profile. See page 3, paragraph 23.

20. In considering claim 18, Greer teaches the weighting performed on the basis of time spent, or the frequency of visits to, sites. See page 3, paragraph 23.

21. In considering claim 19, Greer teaches a user's profile being continuously updated with usage. See page 3, paragraphs 23-25.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Greer et al., U.S. patent publication 2001/0011226, discloses a method, server system, and computer program product for information provision over a network based on a user's profile.

Hoguta et al., U.S. patent 6,725,303, discloses a method and apparatus for identifying a user for a personalized connection with a network.

Kwok et al. U.K. patent publication GB 2,346,239 A, discloses a method for identifying a user for a secure means of communication with personal web sites.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANTZ B. JEAN
PRIMARY EXAMINER

HP/
5/14/04